

LICENSING AND APPEALS SUB-COMMITTEE

19th June 2007

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillors Bale and Mrs. Hood (Conservative Group) and Councillor Southern (Labour Group).

District Council Representatives

Councillors Mrs. Wheeler and Bladen, J. Tsoi (Legal Services Manager), A. Kaur (Legal Officer), J. Salter (Licensing Enforcement Officer) and D. Townsend (Democratic Services).

Non Council Attendees

P. Walker and R. Harding (Magic Action Promotions Limited), R. Smith, S. Maguire, E. Bird, P.R. Harrold, R. Wheat, R. Parkes, J. Parkes, D. Fletcher, P. Lowe, M.A. Lowe and K. Bull.

LAS/1. **APPOINTMENT OF CHAIRMAN**

RESOLVED:-

That Councillor Bale be appointed Chairman for the Meeting.

MATTER DELEGATED TO SUB-COMMITTEE

LAS/2. **APPLICATION FOR A PREMISES LICENCE AT LAND BETWEEN INGLEBY ROAD, STANTON-BY-BRIDGE AND WOODEND LANE, MELBOURNE.**

Following introductions, the Licensing Enforcement Officer was invited to present his report, which had been circulated with the agenda. The Applicant and Objectors were invited to ask any further questions.

The Chairman then invited the interested parties to submit their representations to the Sub-Committee. Mr. P. Harrold raised questions about the proximity of the proposed event to the village of Stanton-by-Bridge and also if any contingency plans were in place in the event of flooding of the access road. Mr. P. Lowe expressed concern about the disruption to village life and the increase in traffic in addition to problems associated with drinking that could occur at this location. Mr. R. Smith raised issues of road safety in the area. Mr. S. Maguire advised the Sub-Committee that he was a Health and Safety Professional, and expressed surprise that there had been no adverse comments from the Health and Safety Officers. Mr. and Mrs. Parkes also added that they had concerns about noise from the site and also the implications of drunken behaviour. Mr. R. Wheat felt the police had not given full consideration to this matter and his main concern was the prevention of crime. In relation to the licensing objectives and protection of children from harm, Mr. Wheat added that the presence of sharps bins was of concern and suggested that drugs and needles could litter the field after the event, causing potential harm to children. With regard to the public nuisance element of the licensing objectives, he advised that there were 266

residents in the village served by minor roads and the increase in traffic would cause a nuisance. He believed the emergency services would have great difficulty in dealing with the increase in traffic arising from this event.

Councillor Mrs. Wheeler considered that the proposed event was being held at an unacceptable site within the confines of the village. She added that this was wholly inappropriate and placed residents at risk. Councillor Bladen concurred with the views of Councillor Mrs. Wheeler, and had additional concerns about the increase in traffic from the event.

The Sub-Committee asked questions of the interested parties and invited the Council's Licensing Representative and the applicant to ask questions to them too.

Mr. Walker (Magic Action Promotions Limited) confirmed that there had been consultation about the site before he had applied for a Premises Licence. He had contacted both the Police and Council Officers before completing his application. He added that the field where this event would take place was not currently flooded and that the sharps bins were intended for glassware, rather than needles. The whole event would be marshalled professionally, with admission by ticket only and it was noted that a total of 934 tickets had been pre-booked.

The Sub-Committee then asked questions of the applicant and invited the interested parties and the Council's Licensing Representative to ask questions to him too. During the questioning, Mr. Walker confirmed that there would be professional staff dealing with noise at the event and that this would be monitored throughout. He also confirmed that site fencing would be provided, together with barriers, signage and warnings adjacent to the existing stone quarry. He added that the site area was seven acres and that all motorcyclists had received directions regarding access to and from the site.

At 2.15 p.m., the Sub-Committee retired to consider its decision. At 3.50 p.m., the Meeting was reconvened.

In making its decision, the Sub-Committee had regard to South Derbyshire District Council's Licensing Policy, the guidance issued under Section 182 of the Licensing Act 2003 and the Human Rights Act 1998 and considered carefully all the evidence presented to it.

The Sub-Committee made its decision to promote the four licensing objectives as follows:-

- (a) Prevention of Crime and Disorder.
- (b) Public Safety.
- (c) Prevention of Public Nuisance.
- (d) Protection of Children from Harm.

The Sub-Committee considered in detail the representations of the Council's Licensing Enforcement Officer, the Interested Parties and the Applicant. The Sub-Committee agreed to grant the application for a Premises Licence as modified and conditioned as follows:-

In relation to Live Music these hours were to be as follows:-

- Friday : 8.00pm to 12.00am (midnight)
- Saturday : 8.00pm to 12.00am (midnight)

In relation to Recorded Music these hours were to be as follows:-

- Friday : 6.00pm to 1.00am
- Saturday : 6.00pm to 1.00am

In relation to Facilities for Making Music these hours were to be as follows:-

- Friday : 6.00pm to 1.00am
- Saturday : 6.00pm to 1.00am

In relation to Facilities for Dancing these hours were to be as follows:-

- Friday : 6.00pm to 1.00am
- Saturday : 6.00pm to 1.00am

In relation to the Late Night Refreshment these hours were to be as follows:-

- Friday : 12.01am to 12.00am (midnight)
- Saturday : 12.01am to 12.00am (midnight)
- Sunday : 12.01am to 12.00am (midnight)

In relation to the Supply of Alcohol these hours were to be as follows:-
(Standard times)

- Friday : 1.00pm to 1.00am
- Saturday : 1.00pm to 1.00am

In relation to the Opening Hours these were to be as follows:-

- From Friday 12 noon to Sunday 9.00pm

A condition would also be imposed on the Licence requiring noise monitoring equipment to be used throughout the event with advice from the Council's Noise Pollution Officer.

Having taken into account the four licensing objectives, the guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy and the Human Rights Act 1998, the Sub-Committee sought to balance the interests of the Applicant and the representations made by the Interested Parties.

The Sub-Committee felt it was reasonable and proportionate to allow the Premises Licence in a modified form subject to the condition specified to address the concerns raised, in particular the prevention of public nuisance,

the prevention of crime and disorder, public safety and the protection of children from harm.

The Chairman reminded all parties that they could appeal to the Magistrates Court against this decision within a period of 21 days from the receipt of the decision notice.

RESOLVED:-

That the application for a premises licence for land between Ingleby Road, Stanton-by-Bridge and Woodend Lane, Melbourne be granted, as set out above.

M.J.P. BALE

CHAIRMAN

The Meeting terminated at 4.00 p.m.